

Attachment to Independent Case Review Report  
For CDRU # 6712 Case file # 95-266215.

Material Examiner:

Malone (RQ)

Remarks:

Case resulted in trial, Laboratory Examiner Malone (RQ) could not make the trial, therefore the transcript provided is the testimony of Laboratory Examiner Chester Blythe (VB) who testified to Malone's work.

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# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 8:45 AM (Time), 03/16/2001 (Date)

File #: 95-266215

Laboratory #(s): 50401052

50717018

## Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>WZ</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: Chester Blythe

Testimony Date(s): unknown Pages: 113-131

Laboratory Report(s):

Laboratory Number: 50401052 Date: July 3, 1985

Laboratory Number: 50717018 Date: July 26, 1985

Laboratory Number:                      Date:                     

Examiner Bench Notes of: RQ

Laboratory Number: 50401052

50717018

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Initials: SR

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letters (dated 3-28-85 and 7-8-85)

### Results of Review

File #: 95-266215

Item or Specimen # Reviewed: Q1, K3, K4

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials: SPW

### Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-266215

#1: With microscopic hair comparison, even with the best notes, there is no way to determine the comparison was performed correctly. It appears that two hair examiners compared the hair and agreed to the match.

#2: The examination results set forth in the laboratory report are supported by the bench notes, but the documentation is marginally adequate. The notes are not dated and are in pencil. RQ uses abbreviations to indicate the microscopic characteristics of the hair. Some of these abbreviations are difficult to interpret. The technician does not document that any hair were recovered from Q1, yet one hair from Q1 was determined to match the suspect's head hair.

                     testified that he compared the Q1 hair to the victim and suspect's head hair samples and

Review completed at: 9:45 AM (Time), 03/16/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1:00 hour

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

  
(Signature)

03/16/2001  
(Date)

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Additional Comments  
(Set forth by question #, if applicable)

File #: 95-266215

#2 (continued): determined that the Q1 hair matched the suspect's head hair and was dissimilar to the victim's head hair. The bench notes to document [redacted] examination and comparison were not provided for review.

#4: The testimony is not consistent with the bench notes for the same reason noted in #2. [redacted] testified that he compared the Q1 hair to the victim and suspect's head hair samples and determined that the Q1 hair matched the suspect's head hair and was dissimilar to the victim's head hair. The bench notes to document [redacted] examination and comparison were not provided for review.

#5: It is note-worthy to compare [redacted] testimony to Malone's testimony in other hair comparison cases.

Initials:

*SW*

b6  
b7C